

### **REMARKS/ARGUMENTS**

The action by the Examiner of this application, together with the cited references, has been given careful consideration. Following such consideration, claims 1, 6, 10 and 12 have been amended to define more clearly the patentable invention applicants believe is disclosed herein. Moreover, claims 11 and 13 have been canceled. Claims 2-5 and 7-9 are unchanged by the present amendment paper. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application. A Request for Continued Examination (RCE) accompanies this Response.

The Examiner has rejected claims 11 and 13 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It is respectfully requested that the 35 U.S.C. 112, first paragraph rejection be withdrawn in view of the cancellation of claims 11 and 13.

The Examiner has rejected claims 10-13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate corrections have been made by amendment. Accordingly, it is respectfully requested that the Examiner now withdraw the 35 U.S.C. 112, second paragraph rejection.

The Examiner has rejected claims 1-2, and 4-13 as being obvious in view of the combined teachings of U.S. Patent Application Publication No. 2005/0137653 to Friedman et al. and U.S. Patent No. 5,696,686 to Sanka et al. Furthermore, claim 3 has been rejected under 35 U.S.C. 103 as being obvious in view of the combined teachings of Friedman et al. '653, Sanka et al. '686, and U.S. Patent No. 6,314,415 to Mukherjee. It is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests the applicants' invention as presently set forth in the amended claims. It should be noted that support for the amendments to independent claims 1 and 6 can be found at paragraphs [0022], [0032], [0034], and TABLE I.

The Examiner has acknowledged that "Freidman does not disclose that the device is an antimicrobial treatment device." It should be appreciated that the antimicrobial treatment device has been further defined in independent claims 1 and 6, and is an important aspect of the

present invention with respect to the type of requests handled by the communication server interface, as now defined in claims 1 and 6.

Independent claim 1 now recites:

An information management system for tracking medical instruments, comprising:

*at least one antimicrobial treatment device for reducing microbial contamination of a medical instrument by means of at least one treatment agent;*

at least one instrument tracking client, each instrument tracking client installed on a respective general purpose computer, *said at least one instrument tracking client assigning (1) a device identifier for identifying each of the antimicrobial treatment devices and (2) a load identifier for identifying medical instruments treated together using a first antimicrobial treatment process;* and

a communication server interface in bi-directional communication with the at least one instrument tracking client and the at least one antimicrobial treatment device, said communication server interface programmed to:

request data from the at least one antimicrobial treatment device by transmission of a command from the communication server interface to the at least one antimicrobial treatment device,

transmit requests from the at least one instrument tracking client,

receive first data from the at least one antimicrobial treatment device,

*receive requests from the at least one instrument tracking client, said requests including (1) the device identifier and (2) the load identifier,*

transmit data to the at least one instrument tracking client, and

*request data from an instrument tracking client.*

Independent claim 6 now recites:

A communication server interface in bi-directional communication with at least one instrument tracking client and *at least one antimicrobial treatment device for reducing microbial contamination by means of at least one treatment agent*, said communication server interface comprising:

means for requesting data from the at least one antimicrobial treatment device by transmission of a command from the communication server interface to the at least one antimicrobial treatment device,

means for transmitting requests from the at least one instrument tracking client,

means for receiving first data from the at least one antimicrobial treatment device,

*means for receiving requests from at least one instrument tracking client, wherein said request includes (1) a device identifier for identifying at least one antimicrobial treatment device and (2) a load identifier for identifying medical instruments being treated together using a first antimicrobial treatment process,*

means for transmitting data to the at least one instrument tracking client, and

*means for requesting data from an instrument tracking client.*

With respect to claim 1, it is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests an information management system for tracking medical instruments including: “at least one antimicrobial treatment device for reducing microbial contamination of a medical instrument by means of at least one treatment agent;” “at least one instrument tracking client assigning (1) a device identifier to each of the antimicrobial treatment devices and (2) a load identifier for identifying medical instruments treated together using a first antimicrobial treatment process;” and “a communication server interface programmed to:...receive requests from the at least one instrument tracking client, said requests including (1) the device identifier and (2) the load identifier.”

With respect to claim 6, it is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests a communication server interface in bi-directional communication with “at least one antimicrobial treatment device for reducing microbial contamination by means of at least one treatment agent,” wherein the communication server interface comprises “means for receiving requests from at least one instrument tracking client, wherein said request includes (1) a device identifier for identifying at least one antimicrobial treatment device and (2) a load identifier for identifying medical instruments being treated together using a first antimicrobial treatment process.”

It should be further noted that claim 1 now defines a communication server interface that is programmed to “request data from an instrument tracking client.” Similarly, claim 6 now defines a communication server interface that includes “means for requesting data from an instrument tracking client.”

With regard to Friedman et al. ‘653, this reference does not teach communication with an antimicrobial treatment device, but rather such patient care devices as pumps, physiological monitors (e.g., heart rate, blood pressure, ECG, EEG, pulse oximeter, and other patient monitors), therapy devices, and other drug delivery devices (see paragraph [0042]). Accordingly, Friedman et al. ‘653 fails to teach or suggest a “means for receiving requests from at least one instrument tracking client, wherein said request includes (1) a device identifier for identifying at least one antimicrobial treatment device and (2) a load identifier for identifying medical instruments being treated together using a first antimicrobial treatment process,” as required by independent claim 6. Moreover, Friedman et al. fails to teach or suggest a communication server interface that is programmed to “receive requests from the at least one instrument tracking client, said requests including (1) the device identifier and (2) the load identifier,” as now required by independent claim 1.

With regard to Sanka et al. ‘686, this reference discloses a sterilizer controller 25 that provides one-way communication to a sterilizer monitoring node 20 through an ASCII data stream on a RS-232 serial interface. As discussed in detail in the previous Response (incorporated herein), Sanka et al. ‘686 fails to teach or suggest transmission of data from the sterilization monitoring node 20 (which the Examiner equates with the claimed “communication server interface”) to a sterilizer control device or a sterilizer. Consequently, Sanka et al. ‘686 fails to teach or suggest a communications server interface that receives requests as defined by independent claim 1 or a communication server interface that includes means for receiving the requests as defined by independent claim 6. In particular, claim 1 defines a communication server interface programmed to “request data from the at least one antimicrobial treatment device by transmission of a command from the communication server interface to the at least one antimicrobial treatment device....” Similarly, claim 6 defines a communication server interface that comprises “means for requesting data from the at least one antimicrobial treatment device by transmission of a command from the communication server interface to the at least one

antimicrobial treatment device....” Neither of the foregoing limitations are met by Sanka et al. ‘686.


It is respectfully submitted that Mukherjee ‘415 fails to provide for the deficiencies of the Friedman et al. ‘653 and Sanka et al. ‘686 references.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 6 are patentable over the prior art of record. Furthermore, the remaining claims depend from independent claims 1 and 6. Therefore, it is respectfully submitted that none of these dependent claims are patentable over the cited references for at least the reasons set forth above in connection with the independent claims.

It is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8774US.

Respectfully submitted,

  
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Date: December 16, 2005

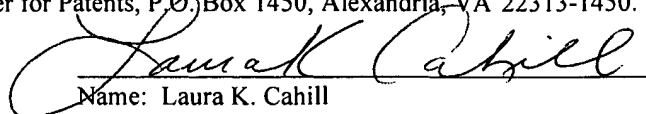
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